

App. Serial No. 10/527,775
Docket No.: NL020886

Remarks

Claims 1-20 are currently pending in the patent application. With respect to the various rejections, the Examiner has improperly construed the teachings of the references, failed to provide *prima facie* cases to support the §§ 102(b) and 103(a) rejections, and not responded to the substance of Applicant's arguments. For these reasons and the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The Office Action dated March 30, 2007 indicated the following rejections: claims 1 and 12 stand rejected under 35 U.S.C. § 102(b) over Camp, Jr. (U.S. 6,191,653); claims 4-5, 8, 15-16, 18 and 20 stand rejected under 35 U.S.C. § 102(b) over Chen (U.S. 6,980,780); claims 2-3 and 13-14 stand rejected under 35 U.S.C. § 103(a) over Camp Jr. in view of Chen; claim 6 stands rejected under 35 U.S.C. § 103(a) over Chen in view of Ichikawa (U.S. 6,532,357); claims 7 and 17 stand rejected under 35 U.S.C. § 103(a) over Chen in view of Tsuji (U.S. 6,725,027); claims 9-10 and 19 stand rejected under 35 U.S.C. § 103(a) over Chen in view of Nishihori (U.S. 6,134,424—patent number corrected by Applicant); and claim 11 stand rejected under 35 U.S.C. § 103(a) over Chen in view of Kurokawa (U.S. 6,678,507).

Applicant notes that the previous objections to the drawings and Section 112 claim rejections were overcome.

Applicant respectfully traverses the Section 102(b) rejections of claims 1 and 12 because the cited portions of the Camp reference fail to correspond to all of claimed limitations. For example, the cited portions of Camp do not correspond to claimed limitations directed to performing a comparison of the output voltage to produce a control signal and using the control signal to operate the output unit below its saturation level. The control signal cited by the Examiner is not used to operate Camp's power amplifier 32 below its saturation level. The Examiner cites to portions of the Camp reference that teach the use of an RF driver stage 30 which supplies a signal that drives a power amplifier 32 and that teach power detector 42 measures the power level outputted by the power amplifier 32. See, e.g., Figure 1, Col. 4:17-33 and Col. 5:65 to Col. 6:6. However, the cited portions of the Camp reference do not teach that the output power measured by the power detector 42 is

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used to produce a control signal that is utilized to reduce the drive level of the power amplifier 32 as is required by the claimed limitations. For example, the cited portions of the Camp reference do not teach that any signal is provided from the power detector 42 to the RF driver stage 30. *See, e.g.*, Figure 4 and the related discussion. More specifically, the Camp reference teaches that the signal used to control the output of RF driver stage 30 is derived from the signal generated by waveform generator 14, not from the power measured by power detector circuit 42 as asserted by the Examiner. Thus, the Examiner has improperly construed the teachings of the Camp reference and in doing so has failed to address the claimed limitations as a whole as is required. Accordingly, the Section 102(b) rejections of claims 1 and 12 are improper and Applicant requests that they be withdrawn.

Applicant respectfully traverses the Section 102(b) rejections of claims 4-5 and 15-16 because the cited portions of the Chen reference fail to correspond to numerous claimed limitations. Regarding claims 4 and 15, Applicant provided a detailed explanation concerning the lack of correspondence between the cited portions of Chen and the claimed limitations in the Office Action Response and Amendment dated January 10, 2007, which Applicant hereby incorporates by reference. In response to these arguments, the Examiner states that the recitation "a matching circuit by preserving linearity of a RF power amplifier" has not been given patentable weight because it occurs in the preamble. *See* page 9 of the instant Office Action. However, Applicant's argument concerned the lack of correspondence between the cited portions of the Chen reference and claimed limitations directed to adapting the output matching circuit. The cited portions of the Chen reference (Col. 2:45-53 and Col. 3:7-17) fail to discuss an adaptation of the matching circuits 32, 33 and 34 as asserted by the Examiner. Instead, the cited portions of the Chen reference appear to teach modifying the bias voltage for the amplifier stages 21, 22 and 23. *See, e.g.*, Col. 3:7-17. Moreover, claim 15 clearly recites "adapting the drive level of the RF power output unit to operate the RF output unit below its saturation level for preserving linearity of the RF power amplifier" in the body of claim. Therefore, the Section 102(b) rejections of claims 4-5 and 15-16 are improper and Applicant requests that they be withdrawn.

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Applicant respectfully traverses the Section 102(b) rejections of claims 8, 18, and 20 (all of which are based upon the Chen reference) because the Examiner fails to show correspondence between the Chen reference and the limitations of claims 1 and 12 (from which these claims depend). The Examiner states that "Chen discloses the method of claim 1 and 12" (Applicant notes that claim 12 is directed to a circuit not a method); however, nowhere in the instant Office Action does the Examiner provide any further elaboration regarding this alleged correspondence. Thus, the Examiner fails to establish that the Chen reference teaches the limitations of claims 1 and 12. Without such a showing, the rejection of any claim (based upon the Chen reference) that depends from claims 1 or 12 is improper. Accordingly, Applicant requests that the Section 102(b) rejections of claims 8, 18, and 20 be withdrawn.

Applicant respectfully traverses the Section 103(a) rejections of claims 2-3 and 13-14 because the Examiner has not addressed the Graham factors set forth under M.P.E.P. § 2141. For example, the Examiner suggests adding "the variable gain preamplifier as disclosed by Chen with the circuit as disclosed by Camp in order to control the appropriate amount of gain to supply the driver circuit of the system." See page 5 of the instant Office Action. However, the Examiner has provided insufficient detail to enable Applicant to determine how the Examiner is suggesting combining the "variable gain preamplifier" of Chen with the Camp reference or even with which embodiment of Camp it would be combined with (the Camp reference discloses several different circuits as shown in Figures 1-5). Under either the recent Supreme Court decision on motivation (requiring clearly articulated rationale) or 35 U.S.C. § 132 (requiring the reasons for the rejections to be stated), the § 103 rejections cannot stand. Applicant submits that the Chen reference already teaches that the signal provided by the RF driver stage 30, which is used to drive the power amplifier 32, can be adjusted. See, e.g., Figure 4 and the related discussion. As such, it would not have been obvious for one of skill in the art to modify Camp with the cited teachings of Chen. Regardless of the propriety of the Examiner's proposed combination, the Section 103(a) rejections of claims 2-3 and 13-14 are improper because the cited portions of the Camp reference fail to correspond to the limitations of claims 1 and 12 (from which these claims depend) as discussed above. Therefore, Applicant requests that the rejections of claims 2-3 and 13-14 be withdrawn.

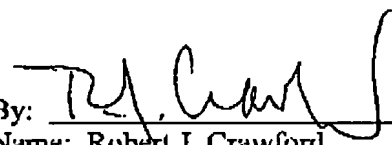
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Applicant respectfully traverses the Section 103(a) rejections of claims 7, 9-11, 17 and 19 (all of which are based upon the Chen reference) because the Examiner fails to establish a *prima facie* case of obviousness in that the Examiner does not show that the Chen reference teaches or suggests all the limitations of either claim 1 or claim 12 (from which these claims depend) as required. See M.P.E.P. § 2142. As discussed above in relation to the Section 102(b) rejections of claims 8, 18, and 20, the Examiner simply states that "Chen discloses the method of claim 1 and 12" without providing any correspondence between the Chen reference and any of the limitations of claim 1 or claim 12. As such, the Section 103(a) rejection of any claim (based upon the Chen reference) that depends from claims 1 or 12 is improper. Therefore, Applicant requests that the Section 103(a) rejections of claims 7, 9-11, 17 and 19 be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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